

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

United States of America,

Plaintiff/Respondent,

Criminal Case No. 13-20298

Civil Case No. 15-13329

v.

Scott R. Detloff,

Sean F. Cox

United States District Court Judge

Defendant/Petitioner.

ORDER TERMINATING
APPOINTMENT OF COUNSEL FOR PETITIONER
FOR PURPOSES OF HIS § 2255 MOTION

In Criminal Case Number 13-20298, Defendant/ Petitioner Scott R. Detloff (“Detloff”) pleaded guilty to Count Four of the Indictment, Theft of United States Mail in violation of 18 U.S.C. § 1708, pursuant to a Rule 11 agreement. This Court sentenced Detloff to the following term of imprisonment on his mail theft conviction: “60 months, to run concurrent to his undischarged term of imprisonment with the Michigan Department of Corrections in case number 09-229096-FH.” (*See* Judgment, D.E. No. 77, at Pg ID 318). Detloff filed a direct appeal.

On July 15, 2015, the United States Court of Appeals for the Sixth Circuit issued a decision on Detloff’s direct appeal. *United States v. Detloff*, 794 F.3d 588 (6th Cir. 2015).

On September 21, 2015, Detloff filed a *pro se* Motion under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct his Sentence. (D.E. No. 94). Detloff used a “fill-in-blanks” form order for his § 2255 Motion. Detloff did not file a supporting brief in support of his motion.

After initially reviewed Detloff’s § 2255 Motion, the Government’s Response to it, and

United States v. Detloff, 794 F.3d 588 (6th Cir. 2015), this Court concluded that, out of an abundance of caution, the interests of justice warrant appointment of counsel. The Court appointed Counsel for purposes of his pending § 2255 Motion. (See Docket Entry No. 101).

Thereafter, attorney Robyn Frankel was appointed to represent Detloff for purposes of his § 2255 Motion.

In an Order issued on March 23, 2016, this Court denied Detloff's motion asking that a different attorney of his choosing be appointed for him. The Order further stated that "[i]f Detloff decides, at any point in these proceedings, that he does not want Robyn Frankel to represent him in this matter, he may notify the Court in writing that he no longer wishes her representation. But the Court expressly cautions Detloff that if he does so, this Court does not intend to appoint new counsel for Detloff (ie., Detloff would continue *pro se* in this matter from that point onward.)" (Docket Entry No. 111 at 3).

Detloff has now filed a Motion (Docket Entry No. 115) wherein he states that he no longer wishes to be represented by Robyn Frankel and that he prefers to proceed *pro se*. Detloff further states that he wishes the "updated briefing schedule [to] remain in place," with a September 22, 2016 deadline for the filing of his amended § 2255 motion.

The Court hereby GRANTS Detloff's motion and hereby TERMINATES Robyn Frankel's representation of Detloff in this case. Detloff shall proceed *pro se* in this action, and all dates remain as previously set.

IT IS SO ORDERED.

S/Sean F. Cox

Sean F. Cox

United States District Judge

Dated: September 2, 2016

I hereby certify that a copy of the foregoing document was served upon counsel of record on September 2, 2016, by electronic and/or ordinary mail.

S/Shawna C. Burns
Case Manager Generalist